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10 Attorneys for Defendant
11 FIDELITY NATIONAL TITLE INSURANCE COMPANY

12 DESIGNATED LOCAL COUNSEL FOR SERVICE OF
PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 BANK OF NEW YORK MELLON,

18 Plaintiff,

19 vs.

20 FIDELITY NATIONAL TITLE
INSURANCE COMPANY,

21 Defendant.

22 Case No.: 2:20-CV-02124-RFB-BNW

23 **STIPULATION TO EXTEND STAY OF
CASE**

24 Plaintiff Bank of New York Mellon (“BONY”) and defendant Fidelity National Title
25 Insurance Company (“Fidelity”) (collectively, the “Parties”), by and through their undersigned
26 counsel, stipulate and agree as follows, subject to the approval of the District Court:

27 Whereas, BONY filed this action on November 18, 2020 (ECF No. 1);

28 Whereas, BONY filed a first amended complaint on March 11, 2021 (ECF No. 19);

1 Whereas, On April 5, 2021, Fidelity moved to dismiss the first amended complaint based
2 upon an argument that BONY breached the prompt notice provision of the subject title insurance
3 policy (ECF No. 25);

4 Whereas, the Parties agreed to stay discovery in this action and to vacate the scheduling
5 order pending the disposition of Fidelity's motion to dismiss (ECF No. 42);

6 Whereas the Court granted the Parties' stipulation on January 3, 2022 (ECF No. 43);

7 Whereas the Court denied Fidelity's motion to dismiss at hearing on March 25, 2022 (ECF
8 No. 47);

9 Whereas, this is one of over 100 title insurance coverage disputes pending before the
10 courts within the state of Nevada following an HOA foreclosure sale. The majority of cases
11 concern the ALTA 1992 or ALTA 2006 loan policies of title insurance, along with the CLTA
12 100/ALTA 9, CLTA 115.1/ALTA 4, and CLTA 115.1/ALTA 5 endorsement forms;

13 Whereas, the Parties to this action are actively engaged in discovery in dozens of matters
14 that are pending before courts within this jurisdiction;

15 Whereas, given the similar nature and overlapping issues of these disputes, the Parties
16 anticipate that some of the discovery in this case would be duplicative of discovery already
17 pending in other cases;

18 Whereas, the discovery in other pending cases may narrow the issues for discovery in this
case;

19 Whereas, the Parties in this case are also engaged in settlement negotiations;

20 Whereas, the Parties respectfully agree that the interests of efficiency and judicial
21 economy are best served by extending the stay of this case for six (6) months to allow the parties
22 to further explore whether settlement is a possibility and to work through the particular
23 circumstances of this action.

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1 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
2 stipulate and agree as follows: the stay in the instant action shall be extended six (6) months,
3 through October 28, 2022. The Parties shall submit a status report on or before October 21, 2022
4 regarding the status of the case.

5 Dated: April 22, 2022

WRIGHT, FINLAY & ZAK

6 By: /s/-Lindsay D. Dragon

7 LINDSAY D. DRAGON
8 Attorneys for Plaintiff
BANK OF NEW YORK MELLON

9 Dated: April 22, 2022

SINCLAIR BRAUN LLP

10 By: /s/-Kevin S. Sinclair

11 KEVIN S. SINCLAIR
12 Attorneys for Defendant
FIDELITY NATIONAL TITLE INSURANCE
13 COMPANY

14 **IT IS SO ORDERED.**

15 Dated this 2nd day of May, 2022.



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17 RICHARD F. BOULWARE
18 UNITED STATES DISTRICT JUDGE
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